

By

Spurlock

H.B. No. 717

A BILL TO BE ENTITLED

AN ACT

relating to permissible conduct of guards or messengers of armored car companies, banks and other institutions while actually employed in certain activities that require self protection; amending Acts 1973, 63rd. Leg., p. 883, ch. 399, Section 43.03 (V.T.C.A., Penal Code Sec. 46.03), and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. ~~Acts 1973, 63rd Legislature, p. 883, ch. 399,~~

~~Section 43.03 (V.T.C.A., Penal Code Sec. 46.03),~~ is amended to read as follows:

~~"46.03. NO-APPLYING~~

"The provisions of Section 46.02 of this code do not apply to a person:

"(1) in the actual discharge of his official duties as a peace officer, a member of the armed forces or national guard, or a guard employed by a penal institution;

"(2) on his own premises or premises under his control;

"(3) traveling; [or]

"(4) engaging in lawful hunting or fishing or other lawful sporting activity; or

~~(5) guards or messengers of armored car companies, banks, and other financial institutions while actually employed in and about the protection, shipment, transportation, or delivery of money, bullion, bonds, securities, or other valuable things of~~

1 ~~high extrinsic value."~~

2 Sec. 2. The importance of this legislation and the crowded
3 condition of the calendars in both houses create an emergency and
4 an imperative public necessity that the constitutional rule
5 requiring bills to be read on three several days in each house
6 be suspended, and this rule is hereby suspended, and that this
7 Act take effect and be in force from and after its passage, and
8 it is so enacted.

COMMITTEE REPORT

THE HONORABLE BILL CLAYTON
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Date 3/10/75

SIR:

We, your COMMITTEE ON STATE AFFAIRS to whom was referred HB 717
(measure)

have had the same under consideration and beg to report back with the recommendation that it

- () ~~do pass, without amendment.~~
(✓) do pass, with amendment(s).
() ~~do pass and be not printed, a committee substitute is recommended in lieu of the original measure.~~

The ~~Committee recommends that this measure be placed on the (Local / General) Calendar.~~

This measure () ~~amends existing law.~~
(✓) amends existing law.

House Sponsor of Senate Measure: _____

The measure was reported from Committee by the following Record Vote:

11 _____ eyes
0 _____ nays
0 _____ present, not voting
6 _____ absent

D. L. Tom Ulen
Chairman

Return with Original Measure

HB 717

BY: Spurlock

STATE AFFAIRS COMMITTEE

BILL ANALYSIS

Background Information:

This Act relates to the permissible conduct of guards or messengers of armored car companies, banks and other institutions while actually employed in certain activities that require self-protection.

What this Bill Proposes to do:

This bill amends Acts 1973 63rd Legislature, p.883, Chapter 399, Section 43.03 to broaden the nonapplicability of the offense of the Unlawful Carrying of Weapons.

Section by Section Analysis:

Section 1: This section amends Acts 1973, 63rd Legislature, P. 883, Chapter 399, Section 43.03 to provide that the offense of the Unlawful Carrying of Weapons shall not apply to guards or messengers of armored car companies, banks, and other financial institutions while in the course of their employment.

Section 2: This section declares an Emergency.

Summary of Committee Action:

Please see attached

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered HB NO. 717 in a (public hearing) on February 24, 1975.

The measure was referred to subcommittee and reported back favorably (with) amendments on March 3, 1975.

The Committee voted, on March 10, 1975 by a record vote of 11 ayes and 0 nays, to report the measure back to the House favorably (with) amendments.

@

Floor
AMENDMENT NO. 1

BY Spauloch

- 1 Amend H.B. No. 717, First Printing, as follows:
- 2 (1) Strike the phrase "Acts 1973, 63rd Legislature, p.
- 3 883, ch. 399, Section 43.03 (V.T.C.A., Penal Code, Sec. 46.03)"
- 4 on lines 8 and 9, page 1, and substitute the phrase "Section
- 5 46.03, Penal Code";
- 6 (2) Add "[or]" following "traveling;" on line 18, page 1.

DATE MAR 17 1975

READ AND ADOPTED

Dorothy Hollman
Chief Clerk
House of Representatives

②
Committee
Amendment No. 1

By McDonnell of Hidalgo

Amend H.B. 717 by striking all of the new section 46.03 (5) and substituting in lieu thereof the following:

"(5) who is a guard or messenger of an armored-car company, bank, or financial institution while actually employed in the protection, shipment, transportation, receipt, or delivery of money, other guards or messengers, bullion, bonds, securities, or other valuable things, if:

(A) he is licensed to carry a weapon if a license is required by law;

(B) he is wearing a distinctive uniform; and

(C) the weapon is in plain view."

DATE MAR 17 1975

READ AND ADOPTED

Dorothy Hallman
Chief Clerk
House of Representatives

3

AMENDMENT NO. _____

BY

Spunloch

1 Amend H.B. No. 717 by striking all above the enacting clause
2 and substituting the following:

3 *insert ①* A BILL TO BE ENTITLED

4 AN ACT

5 relating to permissible conduct of guards or messengers of armored-
6 car companies, banks, and other institutions while actually employed
7 in certain activities; amending Section 46.03, Penal Code; and
8 declaring an emergency.

DATE

MAR 17 1975

READ AND ADOPTED

Torothy Hallman

Chief Clerk
House of Representatives

AF
65

By: Spurlock

H.B. No. 717

A BILL TO BE ENTITLED

AN ACT

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 46.03, Penal Code, is amended to read as follows:

"Sec. 46.03. Non-Applicable

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"(1) in the actual discharge of his official duties as a peace officer, a member of the armed forces or national guard, or a guard employed by a penal institution;

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8 Act take effect and be in force from and after its passage, and
9 it is so enacted.

-END-

COMMITTEE/FLOOR REPORT FORM

Austin, Texas

March 26, 1975

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Jurisprudence to which was referred
H B. No. 717 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do _____ pass _____ and be printed.

A. R. Starnes
Chairman

IF THIS FORM IS TO BE USED AS A FLOOR REPORT, IT IS NECESSARY FOR A MAJORITY OF THE COMMITTEE MEMBERS TO SIGN IT. Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

APR 8 1975

RECEIVED

H.B. No. 717

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9 it is so enacted.

-END-

H.B. No. 717

President of the Senate

Speaker of the House

I hereby certify that H.B. No. 717 was passed by the House
on March 18, 1975, by the following vote: Yeas 112, Nays 15.

Chief Clerk of the House

I hereby certify that H.B. No. 717 was passed by the Senate
on March 27, 1975, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

4-15-75

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 pm
.....

APR 15 1975
Mark White
.....
Secretary of State

H.B. No. 717

By

Spurlock

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FEB 11 1975

1. Filed with the Chief Clerk of the House.

FEB 13 1975

2. Read first time and Referred to Committee on State Affairs

3. Fiscal note requested from Legislative Budget Board by _____

MAR 10 1975

4. Reported favorably (~~unfavorably~~) (as amended) and sent to Printer 3-11-75 1:15 P.M.

MAR 11 1975

5. Printed, distributed by Calendar Clerk and sent to Committee on Calendar 3:00 P.M.

MAR 17 1975

6. Read second time (amended) and ordered engrossed by ~~(Non-record vote)~~ (Record Vote of 118 yeas, 15 nays, 1 present and not voting).

7. Motion to reconsider the vote by which H. B. _____ was ordered engrossed and to table the motion to reconsider prevailed (failed) by (Non-record vote) (Record Vote of _____ yeas, _____ nays, and _____ present and not voting).

MAR 18 1975

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present and not voting.

9. Read third time (~~amended~~) and finally passed by following vote: (~~Non-record vote~~) (Record Vote of 112 yeas, 15 nays, _____ present and not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H.B. _____ was finally passed prevailed (failed) by a (Non-record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present and not voting).

Dorothy Hallman
Chief Clerk of the House

MAR 17 1975

12. Sent to Engrossing Clerk _____

3/17/75

13. Engrossed.

Arna Suppin
Engrossing Clerk of the House

MAR 18 1975

14. Returned to Calendar Clerk _____

MAR 18 1975

15. Sent to Senate.

MAR 19 1975

16. Received from the House _____

MAR 19 1975

17. Read, referred to Committee on JURISPRUDENCE

MAR 26 1975

18. Reported favorably _____

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.

(_____ yeas, _____ nays.

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAR 27 1975

-Laid before the Senate

MAR 27 1975

23. Read second time _____ passed to third reading by:

(a viva voce vote.

(_____ yeas, _____ nays.

24. Caption ordered amended to conform to body of bill.

MAR 27 1975

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 0 nays to place bill on third reading and final passage.

MAR 27 1975

26. Read third time and passed by

(a viva voce vote.

(30 yeas, 0 nays.

OTHER ACTION:

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

APR 1 1975

27. Returned to the House.

APR 1 1975

28. Received from the Senate (with amendments).

RETURNED FROM SENATE

Dorothy Hedman
Chief Clerk, House of Representatives

APR 1 1975

SENT TO ENROLLING CLERK

